

# THE KARMEL LAW FIRM

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MICHIGAN OFFICE:  
P.O. Box 647  
Douglas, Michigan 49406

January 18, 2019

Gary Shinnars, Executive Secretary  
National Labor Relations Board  
1015 Half Street SE  
Washington, D.C. 20570-0001


Re: UFCW Local 951 – Case No. 07-RD-228723

Dear Mr. Shinnars:

Enclosed please find UFCW Local 951's refiling of its Request for Review. We understand that the initial filing will be "rejected" and included Exhibits P-T, which have been removed from this filing. No other changes have been made to the Request for Review. Thank you for your consideration.

Very truly yours,

THE KARMEL LAW FIRM



Jonathan D. Karmel

JDK/bjh

Enclosure

cc: Steven Marrs  
Kris Barry

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED FOOD AND COMMERCIAL  
WORKERS LOCAL 951,**

**Employer,**

**and**

**KRIS BARRY,**

**Petitioner,**

**and**

**FEDERATION OF AGENTS AND  
INTERNATIONAL REPRESENTATIVES,**

**Union.**

**Case No. 07-RD-228723**

**UNITED FOOD AND COMMERCIAL WORKERS LOCAL 951'S  
REQUEST FOR REVIEW OF THE REGIONAL DIRECTOR'S ACTION  
TO HOLD IN ABEYANCE THE PETITION IN CASE NO. 07-RD-228723**

NOW COMES United Food and Commercial Workers Local 951 ("Local 951"), by its attorneys, and pursuant to §102.71 of the National Labor Relations Board Rules and Regulations, as amended, hereby submits its Request for Review of the Regional Director's action to hold in abeyance the petition filed by Kris Barry ("Petitioner") in Case No. 07-RD-228723 (Ex. A). More specifically, a request for review is sought with respect to the Regional Director's action that the petition must be held in abeyance because, "[u]ntil the alleged unfair labor practices pending in Cases 07-CA-221165, 07-CA-223306, 07-CA-225023 and 07-CA-213190 [collectively, "alleged unfair labor practices"] are remedied, they could affect the free choice of employees in an election were one to be conducted" (Ex. A).

Significantly, the Regional Director made no finding that there is a causal nexus between the alleged unfair labor practices and the filing of the petition and its expression of employee disaffection with the Federation of Agents and International Representatives (“FAIR”). See *Saint Gobain Abrasives, Inc.*, 342 NLRB 434 (2004) (the Board concluded that a hearing should be held to resolve genuine factual issues as to whether there was a causal nexus between the alleged unfair labor practices and the filing of the decertification petition before the dismissal such a petition). For this, and other reasons, the Regional Director’s action should be reversed.

## **I. PROCEDURAL BACKGROUND AND ALLEGED UNFAIR LABOR PRACTICES**

On October 3, 2017, FAIR was certified in 07-RC-204451 as the exclusive collective bargaining representative of the Business Agents employed by Local 951. Thereafter, FAIR has filed the following unfair labor practice charges. As more fully set forth herein, most of the charge allegations were withdrawn, while the Regional Director found merit to only a few, none of which are serious enough to affect a fair election or are concurrent with the petition.

### **a. Case No. 07-CA-213190.**

On January 17, 2018, FAIR filed a charge in Case No. 07-CA-213190 alleging discrimination against its bargaining committee members and a unilateral change in terms and conditions of employment, all in violation of §§ 8 (a) (3) and (5) (Ex. B). FAIR filed a first amended charge on April 4, 2018 (Ex. C).

The charges allege that Local 951 discriminated against and unilaterally changed terms and conditions of employment when it installed Global Positioning Systems (“GPS”) in Local 951 provided automobiles of two Business Agents who were FAIR bargaining committee members, and by reassigning the servicing territories of these employees and withholding their expense

monies (Exs. B, C). Local 951 presented evidence to the Region that the practice of installing GPS trackers preceded by many months the filing of the RC petition by FAIR and its certification. After investigation, by letter dated April 30, 2018, the Regional Director approved the withdrawal of the charges with the exception of the allegation that Local 951 violated §8 (a) (5) by installing the GPS trackers (Ex. D). On May 18, 2018, a Complaint was issued, along with a Notice of Hearing for September 27, 2018 (Ex. E). The hearing in this matter has been rescheduled at the request of the General Counsel.

**b. Case No. 07-CA-221165.**

On May 31, 2018, FAIR filed a charge in Case No. 07-CA-221165 alleging §§8(a)(3) and (5) discriminatory changes to terms and conditions of employment (Ex. F). The charge was amended on July 30, 2018 alleging §8(a)(4) discrimination (Ex. G). More specifically, the charges allege that Local 951 unlawfully issued a one-day suspension to a Business Agent for inaccurate record keeping, unilaterally changed its vacation procedure and failed to furnish FAIR with all of the information it requested (Exs. F, G).

After investigation, by letter dated September 28, 2018, the Regional Director approved the withdrawal of the charge allegations with the exception of the failure to provide information allegation (Ex. H). In this regard, Local 951 provided all of the requested information in its possession, but asked for a clarification from FAIR regarding its request for vacation and funeral leave information. FAIR never responded to the request for clarification. As a result, Local 951 did not provide the information and argued to the Region that this allegation was without merit due to FAIR's refusal to respond to the request for clarification. See *IGT d/b/a International Game Technology and IUOE Local 501*, 366 NLRB No. 170 (August 24, 2018).

**c. Case No. 07-CA-223306.**

On July 6, 2018, FAIR filed a charge in Case No. 07-CA-223306 alleging discrimination against two Business Agents by changing the terms and conditions of their employment in violation of §8 (a) (3) (Ex. I). On August 14, 2018, this charge was amended to allege a failure to bargain over the unilateral changes in violation of §8(a)(5) (Ex. J). More specifically, FAIR alleged that Local 951 used Performance Improvement Plan (“PIP”) memos to counsel two Business Agents concerning their work performance. No discipline was issued as a result of these PIPs. After investigation, by letter dated November 30, 2018, the Regional Director approved the withdrawal of the §8 (a) (3) allegation, while the unilateral change allegation concerning the use of the PIPs remained subject to further processing (Ex. K).

**d. Case No. 07-CA-225023.**

On August 6, 2018, FAIR filed a charge in Case No. 07-CA-225023 alleging that Local 951 unlawfully instituted a practice of requiring Business Agents to maintain membership quotas which were used for discipline and termination in violation of §8 (a) (3) (Ex. L). This charge was amended on September 11, 2018, alleging that Local 951 failed or refused to bargain over the membership quota requirement in violation of §8 (a) (5) (Ex. M). FAIR filed a second amended charge on November 6, 2018, alleging that Local 951’s Secretary-Treasurer made an isolated and coercive statement<sup>1</sup> to a Business Agent in violation of §8 (a) (1) (Ex. N). By letter dated November 30, 2018, the Regional Director approved the withdrawal of all of the charge allegations except the §8 (a) (1) statement which remained subject to further processing (Ex. O).

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<sup>1</sup> The alleged statement, which Local 951 denies, is that Local 951 had “no other choice but to place a GPS on your [employee] car because FAIR was making Local 951 do it.”

## II. BASIS FOR REQUEST FOR REVIEW

Pursuant to §102.71 (b) (1) (ii) and (3) of the National Labor Relations Board Rules and Regulations, Local 951 requests review of the Regional Director's action that the petition be held in abeyance pending the remedy of the alleged unfair labor practices.

## III. ARGUMENT

The basis of the Regional Director's decision to hold the petition in abeyance is that the unremedied alleged unfair labor practices "could affect the free choice of employees in an election were one to be conducted" (Ex. A). Under the facts of this case, this decision departs from established Board policy and law and is arbitrary and capricious. As such, the Regional Director's action denies the employees the right to exercise their choice with respect to union representation.

In deciding whether to hold a petition in abeyance, the Board's blocking policy provides: "If at any time during or after investigation the regional director establishes that there was no causal relationship between the unfair labor practice allegations in the decertification petition, the regional director should not give further consideration to dismissing the petition **and should reconsider whether the charge should continue "blocking" the processing of the petition**" *Case Handling Manual ("CHM")* §11730.4. (Emphasis supplied) In this case, there was no finding of a causal relationship, and the alleged unfair labor practices were not concurrent with the petition.<sup>2</sup> Accordingly, the Regional Director in this case ignored this important Board policy thereby making the decision to continue to hold in abeyance the processing of the petition arbitrary and capricious.

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<sup>2</sup> The concurrent blocking charges filed in Case No. 07-CA-228866 were dismissed and are not part of the Regional Director's action (Ex. A).

Moreover, the alleged unfair labor practices are neither serious enough to affect the employees' free choice in an election and were filed months before the petition. In this regard, the unilateral change or failure to furnish information allegations, among the alleged unfair labor practices, do not "require dismissal of the petition. If the remedy .... would not have an effect on the bargaining relationship" See *CHM*, §11730.3. There is no evidence that any of these charges would have an effect on the bargaining relationship.

In addition, beyond the Regional Director's bare conclusion, the January 15 letter fails to provide any reasons why these old and unrelated alleged unfair labor practices could affect employee free choice. How, for example, can the isolated statement made to a single employee and that contained no threat affect the free choice of the other unit employees? Or the installation of a GPS tracker more than a year ago and that resulted in no discipline affect the free choice of the unit employees? Given all this, the Regional Director's decision is an abuse of discretion and denies the employees their fundamental Section 7 right to decide promptly whether they wish to be represented by FAIR. See *Finley Hospital*, (Unpublished), 2012 BL 494093 (Hayes dissent). Denying the Local 951 Business Agents a prompt and timely opportunity to make their decision is beyond puzzling in this case. The alleged unfair labor practices have been pending for months, some as long as more than a year. Absent any evidence of a causal nexus between the alleged unfair labor practices and the filing of the petition or the disaffection with FAIR, these charges should not be allowed to deprive the employees of their right to choose.

#### IV. CONCLUSION.

In the end, it should not be presumed that the alleged unfair labor practices could affect the employees' free choice in an election without any evidence of a causal nexus, of which there is none. Based on all of the above, UFCW Local 951 respectfully requests that the Regional Director's action be reversed.<sup>3</sup>

Respectfully submitted,

/s/ Jonathan D. Karmel

Jonathan D. Karmel

Attorney for UFCW Local 951

The Karmel Law Firm  
221 N. LaSalle Street, Suite 1550  
Chicago, IL 60601  
(312) 641-2910  
jon@karmellawfirm.com

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<sup>3</sup> Applying the Board's Impact Analysis, resolution of this Request for Review should receive the highest Category III priority and allow the employees the opportunity to choose as soon as practicable.



**CERTIFICATE OF SERVICE**

I, Jonathan D. Karmel, an attorney, hereby certify that on January 18, 2019, I caused the United Food and Commercial Workers Local 951's Request for Review of the Regional Director's Action to Hold in Abeyance the Petition in Case No. 07-RD-228723 to be filed electronically to the following:

Gary Shinnars, Executive Secretary  
National Labor Relations Board  
1015 Half Street SE  
Washington, D.C. 20570-0001

and served by U.S. Mail to the following:

Steven Marrs, President  
Federation of Agents and International Representatives  
PO Box 760  
Roseville, CA 95661-0760

Kris Barry  
521 Bay Drive  
Lake Odessa, MI 48849

/s/ Jonathan D. Karmel  
Jonathan D. Karmel

THE KARMEL LAW FIRM  
221 North LaSalle Street, Suite 1550  
Chicago, IL 60601  
(312) 641-2910  
jon@karmellawfirm.com



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7

Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, MI 48226

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090

January 15, 2019

Kris Barry  
521 Bay Drive  
Lake Odessa, MI 48849

Re: United Food and Commercial Workers,  
Local No. 951 (UFCW), AFL-CIO  
Case 07-RD-228723

Dear Ms. Barry:

On January 10, 2019, this office sent notification that the petition in the above-captioned case will be held in abeyance until the alleged unfair labor practices pending in Cases 07-CA-221165, 07-CA-223306, 07-CA-225023 and 07-CA-228866 are remedied. This is to advise you that the January 10 notification inadvertently omitted Case 07-CA-213190 as a basis for holding the petition in abeyance, and mistakenly included Case 07-CA-228866<sup>1</sup>. To clarify, until the alleged unfair labor practices pending in Cases 07-CA-221165, 07-CA-223306, 07-CA-225023, and 07-CA-213190 are remedied, they could affect the free choice of employees in an election were one to be conducted. Therefore, any further proceedings in this case, including an election, are indefinitely postponed pending the resolution of the unfair labor practice charges in these cases.

**Right to Request Review:** Pursuant to Section 102.71 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. The request for review shall be submitted in eight copies, unless filed electronically, with a copy filed with the regional director, and all copies must be served on all the other parties. The request must contain a complete statement setting forth facts and reasons upon which the request is based.

**Procedures for Filing Request for Review:** A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on **January 29, 2019**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on January 29, 2019.

**Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically.** Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

<sup>1</sup> A Complaint and Notice of Hearing issued in Case 07-CA-213190 on May 18, 2018, and is scheduled for a hearing on February 19, 2019, and Case 07-CA-228866 was dismissed on December 28, 2018.



Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

The Board may grant special permission for an extension of time within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the regional director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,



Dennis Boren  
Acting Regional Director

cc: Office of the Executive Secretary (by e-mail)

John Cakmakci, President  
Local 951, United Food and Commercial Workers  
(UFCW), AFL-CIO  
3270 Evergreen Drive, NE  
Grand Rapids, MI 49525

Jonathan D. Karmel, Esq.  
The Karmel Law Firm  
221 N LaSalle St Ste 1550  
Chicago, IL 60601-1224

Steven Marrs, President  
Federation of Agents and International  
Representatives  
PO Box 760  
Roseville, CA 95661-0760

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

01:05:00 p.m.

01-17-2018

212

FORM EXEMPT UNDER 44 U.S.C. 3512

## DO NOT WRITE IN THIS SPACE

Case  
07-CA-213190Date Filed  
January 17, 2018

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO

b. Tel. No. 800-999-0951

c. Cell No.

f. Fax No. 616-447-1000

g. e-Mail

h. Number of workers employed  
22

d. Address (Street, city, state, and ZIP code)

3270 Evergreen Drive N.E.  
Grand Rapids, Michigan 49525e. Employer Representative  
John Cakmakci  
Presidenti. Type of Establishment (factory, mine, wholesaler, etc.)  
Labor Organizationj. Identify principal product or service  
Representation of Workforce

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the previous six months, the Employer has discriminated against its employees and unlawfully modified terms and conditions of employment by installing Global Positioning Systems ("Vehicle Tracker") on bargaining committee members vehicles. The Employer took these actions without first providing notice to or an opportunity to bargain with the union.

Within the previous six months, the Employer has discriminated against its employees by reassigning bargaining committee members representational territories in order to discourage union activities or membership.

Since about November 2017, the Employer has discriminated against its employees by withholding their expense monies because of their union activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Federation of Agents and International Representatives

4a. Address (Street and number, city, state, and ZIP code)

P.O. Box 760, Roseville, CA 95661

4b. Tel. No. 813-727-2014

4c. Cell No.

4d. Fax No.

4e. e-Mail  
jmarrs1922@aol.com5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
Federation of Agents and International Representatives

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



(signature of representative or person making charge)

Steven Marrs, President

(Print type name and title or office, if any)

Tel. No. 813-727-2014

Office, if any, Cell No.

Fax No.

e-Mail  
jmarrs@aol.com

Address

P.O. Box 760, Roseville, CA 75661

1-17-18  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is for processing unfair labor practice and related proceedings or litigation. The routine uses for the information are: (1) to provide information to the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are: (2) to provide information to the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT

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18 B

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FIRST AMENDED  
INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE

Case

07-CA-213190

Date Filed

April 4, 2018

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO

b. Tel. No. 800-999-0951

c. Cell No.

f. Fax No. 616-447-1000

g. e-Mail

d. Address (Street, city, state, and ZIP code)

3270 Evergreen Drive N.E.  
Grand Rapids, Michigan 49525

e. Employer Representative

John Cakmakci  
President

h. Number of workers employed  
22

i. Type of Establishment (factory, mine, wholesaler, etc.)  
Labor Organization

j. Identify principal product or service  
Representation of Workforce

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1)(A) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

1) Within the previous six months, the Employer has discriminated against its employees and unlawfully modified terms and conditions of employment by installing Global Positioning Systems ("Vehicle Tracker") on bargaining committee members vehicles. The Employer took these actions without first providing notice to or an opportunity to bargain with the union.

2) Within the previous six months, the Employer has discriminated against its employees by reassigning bargaining committee members representational territories in order to discourage union activities or membership.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Federation of Agents and International Representatives

4a. Address (Street and number, city, state, and ZIP code)

P.O. Box 760, Roseville, CA 95661

4b. Tel. No. 813-727-2014

4c. Cell No.

4d. Fax No.

4e. e-Mail

jmmars1922@aol.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
Federation of Agents and International Representatives

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

Steven Marrs  
(signature of representative or person making charge)

Steven Marrs, President

(Print/Type name and title or office, if any)

Tel. No.

813-727-2014

Office, if any, Cell No.

Fax No.

e-Mail

jmmars1922@aol.com

Address

P.O. Box 760, Roseville, CA 75661

4/4/2018  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is for processing unfair labor practice and related proceedings or litigation. The routine uses for the information are set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT

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Ex. C



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7

Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, MI 48226

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090

April 30, 2018

Jonathan D. Karmel, Esq.  
The Karmel Law Firm  
221 N LaSalle St Ste 1550  
Chicago, IL 60601-1224

Re: United Food and Commercial Workers,  
Local No. 951 (UFCW), AFL-CIO  
Case 07-CA-213190

Dear Mr. Karmel:

This is to advise that I have approved the withdrawal of the portion of the charge alleging that the Employer discriminated against its employees by installing Global Positioning Systems on bargaining committee members' vehicles in violation of Section 8(a)(3) of the Act and discriminated against its employees by reassigning bargaining committee members' representational territories in violation of Section 8(a)(3) and (5).

The remaining allegation that the Employer violated Section 8(a)(5) of the Act by modifying terms and conditions of employment by installing Global Positioning Systems on bargaining committee members' vehicles remains subject to further processing.

Very truly yours,

TERRY MORGAN  
Regional Director

cc: John Cakmakci, President  
Local 951, United Food and Commercial  
Workers International Union (UFCW),  
AFL-CIO  
3270 Evergreen Drive, NE  
Grand Rapids, MI 49525

Steven Marrs, President  
Federation of Agents and International  
Representatives  
PO Box 760  
Roseville, CA 95661-0760

EXHIBIT

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EX. D

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION SEVEN**

**Local 951, United Food and Commercial Workers  
International Union (UFCW), AFL-CIO**

Respondent

and

**Case 07-CA-213190**

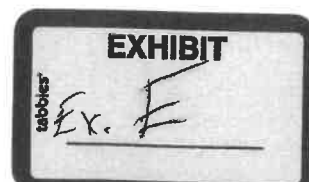
**Federation of Agents and International  
Representatives**

Charging Party

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by the Charging Party. It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Respondent has violated the Act as described below.

1. (a). The charge in this proceeding was filed by the Charging Party on January 17, 2018, and a copy was served on Respondent by U.S. mail on January 18, 2018.
- (b). The amended charge in this proceeding was filed by the Charging Party on April 4, 2018, and a copy was served on Respondent by U.S. mail on the same date.
2. (a). At all material times, Respondent, a labor organization, has been an unincorporated association with a place of business in Grand Rapids, Michigan (Grand Rapids facility), where it represents employees in bargaining with employers.
- (b). At all material times, Respondent has been chartered by and has been an integral part of a multistate labor organization, United Food and Commercial Workers International Union (UFCW), AFL-CIO (International Union) that maintains its national headquarters in Washington D.C.
- (c). In conducting its operations during the calendar year ending December 31, 2017, Respondent collected and received dues and initiation fees in excess of \$1,000,000, and remitted from its Grand Rapids facility to the Washington D.C. facility of the International Union dues and initiation fees in excess of \$50,000.
3. At all material times, Respondent has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.



4. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act, and agents of Respondent within the meaning of Section 2(13) of the Act.

John Cakmacki – President  
Todd Regis – Vice President  
Karin Hopman – Recorder

6 (a). The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

All full-time and regular part-time business agents employed by Respondent at or out of its facility located at 3270 Evergreen Drive, NE, Grand Rapids, Michigan; but excluding managers, clerical employees, and guards and supervisors as defined in the Act.

(b). On October 3, 2017, the Board certified the Charging Party as the exclusive collective-bargaining representative of the Unit.

(c). At all times since October 3, 2017, based on 9(a) of the Act, the Charging Party has been the exclusive collective-bargaining representative of the Unit.

7. Since about October 17, 2017, Respondent has unilaterally installed global positioning system tracking devices in vehicles that Respondent provides to its Unit employees.

8. The subject set forth in paragraph 7 relate to wages, hours, and other terms and conditions of employment of the Unit and is a mandatory subject for the purposes of collective-bargaining.

9. Respondent engaged in the conduct described above in paragraph 7, without prior notice to the Charging Party and without affording the Charging Party an opportunity to bargain with Respondent with respect to this conduct and the effects of this conduct.

10. By the conduct described above in paragraphs 7 through 10, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Sections 8(a)(1) and (5) of the Act.

11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.



**WHEREFORE**, it is prayed that Respondent be ordered to:

1. Cease and desist from engaging in the conduct described in paragraphs 7 through 10, or in any like or related manner failing or refusing to bargain collectively and in good faith with the Charging Party as the exclusive collective-bargaining representative of its employees.

2. Take the following affirmative actions:

(a). Upon request by the Charging Party, bargain collectively and in good faith with the Charging Party as the exclusive collective-bargaining representative of the Unit employees concerning wages, rates of pay, hours of employment and other terms and conditions of employment.

(b). Rescind any or all changes unilaterally implemented concerning the installation of GPS devices in vehicles provided by Respondent to bargaining unit employees and return to the status quo ante in such matters.

(c). Remove any and all disciplinary actions that issued as a result of the unilaterally implemented changes and all references to such disciplines from Respondent's records; and notify employees individually, in writing, that it has been done and not use said disciplines against them in the future.

(d). Destroy any and all data or records collected by the GPS tracking devices installed on its employees vehicles since September 25, 2017 to present.

(e). Post appropriate notices.

The General Counsel further prays for such other relief as may be just and proper to remedy the unfair labor practices herein alleged.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before June 1, 2018, or postmarked on or before May 31, 2018**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was

off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **September 27, 2018, 10:00 a.m.** at the **Gerald R. Ford Federal Building, 110 Michigan Street, N.W., Room 299, Grand Rapids, Michigan**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: May 18, 2018



---

Terry Morgan  
Regional Director  
National Labor Relations Board  
Region 07  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, MI 48226

Attachments

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

07-CA-221165

Date Filed

July 30, 2018

First Amended

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO

b. Tel. No. 800-999-0951

c. Cell No.

f. Fax No. 616-447-1000

g. e-Mail

h. Number of workers employed  
22

d. Address (Street, city, state, and ZIP code)

3270 Evergreen Drive N.E.  
Grand Rapids, Michigan 49525

e. Employer Representative

John Cakmakci  
President

i. Type of Establishment (factory, mine, wholesaler, etc.)  
Labor Organization

j. Identify principal product or service  
Representation of Workforce

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), (4), (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

- 1) Within the previous six months, the above-named Employer discriminated against its employees for engaging in or in order to discourage union activities by unlawfully changing terms and conditions of employment. The Employer took these actions without first providing notice to or an opportunity to bargain with the incumbent union.
- 2) Since about May 16, 2018 the Employer has failed and refused to bargain collectively and in good faith by failing to furnish information requested by the Union that is relevant and necessary for contract negotiations.
- 3) Within the previous six months, the Employer disciplined or otherwise discriminated against employees because they have given testimony under the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Federation of Agents and International Representatives

4a. Address (Street and number, city, state, and ZIP code)

P.O. Box 760, Roseville, CA 95661

4b. Tel. No. 813-727-2014

4c. Cell No.

4d. Fax No.

4e. e-Mail

jmarrs1922@aol.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
Federation of Agents and International Representatives

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Steven Marrs  
(signature of representative or person making charge)

Steven Marrs, President

(Print/type name and title or office, if any)

Tel. No. 813-727-2014

Office, if any, Cell No.

Fax No.

e-Mail

jmarrs@aol.com

Address

P.O. Box 760, Roseville, CA 95661

7-30/2018  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT

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Ex. G



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7

Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, MI 48226

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090

September 28, 2018

Jonathan D. Karmel, Esq.  
The Karmel Law Firm  
221 N. LaSalle St., Ste 1550  
Chicago, IL 60601-1224

Re: Local No. 951, United Food and  
Commercial Workers (UFCW), AFL-CIO  
Case 07-CA-221165

Dear Mr. Karmel:

This is to advise that I have approved the withdrawal of the portions of the charge alleging 8(a)(3) and 8(a)(5) discriminatory changes to terms and conditions of employment, and 8(a)(4) discrimination.

The remaining allegation that the Employer violated Section 8(a)(5) of the Act by failing to furnish information requested by the Union remains subject to further processing.

Very truly yours,

Terry Morgan  
Regional Director

cc: John Cakmakci, President  
Local 951, United Food and Commercial  
Workers International Union (UFCW),  
AFL-CIO  
3270 Evergreen Drive, NE  
Grand Rapids, MI 49525

Steven Marrs, President  
Federation of Agents and International  
Representatives  
PO Box 760  
Roseville, CA 95661-0760

EXHIBIT

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Ex. H

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case  
07-CA-223306

Date Filed  
July 6, 2018

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO		b. Tel. No. 800-999-0951
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 3270 Evergreen Drive N.E. Grand Rapids, Michigan 49525		f. Fax No. 616-447-1000
e. Employer Representative John Cakmakci President		g. e-Mail
		h. Number of workers employed 22
i. Type of Establishment (factory, mine, wholesaler, etc.) Labor Organization	j. Identify principal product or service Representation of Workforce	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (first subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the previous six months, the above-named Employer discriminated against its employees because of their Section 7 activity by, inter alia, changing terms and conditions of employment.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Federation of Agents and International Representatives

4a. Address (Street and number, city, state, and ZIP code)

P.O. Box 760, Roseville, CA 95661

4b. Tel. No. 813-727-2014

4c. Cell No.

4d. Fax No.

4e. e-Mail  
jmarrs1922@aol.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
Federation of Agents and International Representatives

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Steven Marrs  
(signature of representative or person making charge)

Steven Marrs, President  
(Print type name and title or office, if any)

Tel. No. 813-727-2014

Office, if any, Cell No.

Fax No.

e-Mail  
jmarrs@aol.com

Address P.O. Box 760, Roseville, CA 75661

7/6/18  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are: (1) to process and resolve unfair labor practice charges; (2) to process and resolve representation petitions; (3) to process and resolve unfair representation charges; (4) to process and resolve unfair labor practice charges; (5) to process and resolve unfair labor practice charges; (6) to process and resolve unfair labor practice charges; (7) to process and resolve unfair labor practice charges; (8) to process and resolve unfair labor practice charges; (9) to process and resolve unfair labor practice charges; (10) to process and resolve unfair labor practice charges. The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT

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EX. I



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

First Amended  
INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE	
Case 07-CA-223306	Date Filed August 14, 2018

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO	b. Tel. No. 800-999-0951
	c. Cell No.
	f. Fax No. 616-447-1000
d. Address (Street, city, state, and ZIP code) 3270 Evergreen Drive N.E. Grand Rapids, Michigan 49525	e. Employer Representative John Cakmakci President
	g. e-Mail
	h. Number of workers employed 22
i. Type of Establishment (factory, mine, wholesaler, etc.) Labor Organization	j. Identify principal product or service Representation of Workforce
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
Within the previous six months, the above-named Employer discriminated against its employees because of their Section 7 activity by, inter alia, changing terms and conditions of employment.	
Within the previous six months, the above-named Employer has made unilateral changes to terms and conditions of employment, and without first providing notice or an opportunity to bargain with the Incumbent Union.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number)	
Federation of Agents and International Representatives	
4a. Address (Street and number, city, state, and ZIP code) P.O. Box 760, Roseville, CA 95661	4b. Tel. No. 813-727-2014
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail jmarrs1922@aol.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Federation of Agents and International Representatives	
<b>6. DECLARATION</b>	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By <u>Steven Marrs</u> (signature of representative or person making charge)	Steven Marrs, President (Print type name and title or office, if any)
Tel. No. 813-727-2014	
Office, if any, Cell No.	
Fax No.	
e-Mail jmarrs@aol.com	
Address P.O. Box 760, Roseville, CA 75861 8/14/2018 (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT

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EX-J



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7

Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, MI 48226

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090

November 30, 2018

Jonathan D. Karmel, Esq.  
The Karmel Law Firm  
221 N LaSalle St Ste 1550  
Chicago, IL 60601-1224

Re: Local No. 951, United Food and  
Commercial Workers (UFCW), AFL-CIO  
Case 07-CA-223306

Dear Mr. Karmel:

This is to advise that I have approved the withdrawal of the Section 8(a)(3) portion of the charge alleging the Employer has discriminated against its employees because of their Section 7 activity by changing terms and conditions of employment. The remaining portion of the charge alleging the Employer violated Section 8(a)(5) of the Act by making unilateral changes to terms and conditions of employment without bargaining with the Union remains subject to further processing.

Very truly yours,

Terry Morgan  
Regional Director

cc: John Cakmakci, President  
Local 951, United Food and Commercial  
Workers (UFCW), AFL-CIO  
3270 Evergreen Drive, NE  
Grand Rapids, MI 49525

Steven Marrs, President  
Federation of Agents and International  
Representatives  
P.O. Box 760  
Roseville, CA 95661-0760

Benjamin E. Wick, Esq.  
The Wick Law Office, LLC  
600 Grant Street  
Suite 610  
Denver, CO 80203

Amanda C. Swartz, Esq.  
The Wick Law Office, LLC  
600 Grant Street Suite 610  
Denver, CO 80203



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

NOT WRITE IN THIS SPACE

Case

07-CA-225023

Date Filed

August 6, 2018

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Local 951, United Food and Commercial Workers  
Union (UFCW), AFL-CIO

b. Tel. No.

800-999-0951

c. Cell No.

f. Fax No.

616-447-1000

g. e-mail

h. Number of workers employed

22

d. Address (Street, city, state, and ZIP code)

3270 Evergreen Drive N.E.  
Grand Rapids, Michigan 49525

e. Employer Representative

John Cakmakci  
President

i. Type of Establishment (factory, mine, wholesaler, etc.)

Labor Organization

j. Identify principal product or service

Representation of Workforce

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) 8A1 & 8A3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

In the past 6 months the above named employer through it's agents has engaged in unlawful practice of quotas on employees that has led to discipline and termination.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Federation of Agents and International Representatives

4a. Address (Street and number, city, state, and ZIP code)

P.O. Box 760, Roseville, CA 95661

4b. Tel. No.

813-727-2014

4c. Cell No.

4d. Fax No.

4e. e-mail

Jmarrs1922@aol.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Federation of Agents and International Representatives

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.



(signature of representative or person making charge)

Steven Marrs, President

(Print/type name and title or office, if any)

Tel. No.

813-727-2014

Office, if any, Cell No.

Fax No.

e-mail

Jmarrs1922@aol.com

Address

P.O. Box 760, Roseville CA 95661

Date

8/4/18<sup>SM</sup>

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

EXHIBIT

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EX L

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

First Amended  
INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE	
Case 07-CA-225023	Date Filed September 11, 2018

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO	b. Tel. No. 800-999-0951
	c. Cell No.
d. Address (Street, city, state, and ZIP code) 3270 Evergreen Drive N.E. Grand Rapids, Michigan 49525	f. Fax No. 616-447-1000
e. Employer Representative John Calmakci President	g. e-Mail
	h. Number of workers employed 22
i. Type of Establishment (factory, mine, wholesaler, etc.) Labor Organization	j. Identify principal product or service Representation of Workforce
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
1) Within the previous six months, the Employer has discriminated against its employees by implementing membership quotas that have led to discipline and discharge, in violation of Section 8(a)(3) of the Act.	
2) Within the previous six months, the Employer has failed or refused to bargain over the membership quota requirement, in violation of Section 8(a)(5) of the Act.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Federation of Agents and International Representatives	
4a. Address (Street and number, city, state, and ZIP code) P.O. Box 760, Roseville, CA 95661	4b. Tel. No. 813-727-2014
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail jmarrs1922@aol.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Federation of Agents and International Representatives	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By <u>Steven Marrs</u> (signature of representative or person making charge)	Steven Marrs, President (Print type name and title or office, if any)
Address P.O. Box 760, Roseville, CA 75661	9/11/2018 (date)
	Tel. No. 813-727-2014
	Office, if any, Cell No.
	Fax No.
	e-Mail jmarrs@aol.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT

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Ex. M

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

Second Amended  
INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE

Case  
07-CA-225023

Date Filed  
November 6, 2018

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Local 951, United Food and Commercial Workers International Union (UFCW), AFL-CIO

b. Tel. No. 800-899-0951

c. Cell No.

f. Fax No. 616-447-1000

g. e-Mail

h. Number of workers employed  
22

d. Address (Street, city, state, and ZIP code)  
3270 Evergreen Drive N.E.  
Grand Rapids, Michigan 49525

e. Employer Representative  
John Cakmakci  
President

i. Type of Establishment (factory, mine, wholesaler, etc.)  
Labor Organization

j. Identify principal product or service  
Representation of Workforce

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

- 1) Within the previous six months, the Employer has discriminated against its employees by implementing membership quotas that have led to discipline and discharge, in violation of Section 8(a)(3) of the Act.
- 2) Within the previous six months, the Employer has failed or refused to bargain over the membership quota requirement, in violation of Section 8(a)(5) of the Act.
- 3) Within the previous six months, the Employer has interfered with, restrained or coerced employees in the exercise of their rights protected by Section 7 of the Act by making unlawful statements to employees.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Federation of Agents and International Representatives

4a. Address (Street and number, city, state, and ZIP code)

P.O. Box 760, Roseville, CA 95661

4b. Tel. No. 813-727-2014

4c. Cell No.

4d. Fax No.

4e. e-Mail

jmarra1922@aol.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
Federation of Agents and International Representatives

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Steven Marrs  
(signature of representative or person making charge)

Steven Marrs, President

(Print/type name and title or office, if any)

Tel. No. 813-727-2014

Office, if any, Cell No.

Fax No.

e-Mail  
jmarrs@aol.com

Address P.O. Box 760, Roseville, CA 75661

11-5-2018  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1501)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is for processing unfair labor practice and related proceedings or litigation. The routine uses for the information are: (1) to provide information to the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

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EX-1 N



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 7

Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
Detroit, MI 48226

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (313)226-3200  
Fax: (313)226-2090

November 30, 2018

Jonathan D. Karmel, Esq.  
The Karmel Law Firm  
221 N LaSalle St Ste 1550  
Chicago, IL 60601-1224

Re: Local No. 951, United Food and  
Commercial Workers (UFCW), AFL-CIO  
Case 07-CA-225023

Dear Mr. Karmel:

This is to advise that I have approved the withdrawal of the Section 8(a)(3) and (5) portions of the charge alleging the Employer has discriminated against its employees by implementing membership quotas that have led to discipline and discharge; and that within the previous six months, the Employer has failed and refused to bargain over the membership quota requirement.

The remaining portion of the charge alleging that the Employer violated Section 8(a)(1) of the Act by making unlawful statements to employees remains subject to further processing.

Very truly yours,

Terry Morgan  
Regional Director

cc: John Cakmakci, President  
Local 951, United Food and Commercial  
Workers (UFCW), AFL-CIO  
3270 Evergreen Drive, NE  
Grand Rapids, MI 49525

Amanda C. Swartz, Esq.  
The Wick Law Office, LLC  
600 Grant Street  
Suite 610  
Denver, CO 80203

Steven Marrs, President  
Federation of Agents and International  
Representatives  
P.O. Box 760  
Roseville, CA 95661-0760

Benjamin E. Wick, Esq.  
The Wick Law Office, LLC  
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Denver, CO 80203

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